



AIRTRAIN NEWARK REPLACEMENT PROGRAM – SYSTEM TECHNOLOGY PROCUREMENT
RFQ NO.6000001266 - REQUEST FOR INFORMATION
DATE: 01/5/2023

RFI #	RFP Document	Section Reference	Question/Request for Clarification	Port Authority Response
5	RFQ	Appendix B, Section 2.1	<p>Per Section 2.1 it is required that <i>"A Respondent may submit the audited financial statements of the Project Guarantor prepared in accordance with International Financial Reporting Standards (IFRS) so long as such Financial Statements are submitted in English and in United States Dollars, with a letter from auditors stating the currency conversion used."</i></p> <p>Our Guarantor is an European entity and as such the audited financial reports provided by the auditor are in Euro and not in Unites States Dollar. To get these reports revised to United States Dollars until the SOQ submission deadline is not feasible.</p> <p>Please confirm whether it is permissible to present the financial figures (balance sheet, profit and loss account and cash flow changes) in euros and to state the applicable currency conversion in a separate letter from the auditors?</p> <p>As an option we could include the financial figures in United States Dollars only in the separate letter from the auditors where the currency conversion used is stated?</p>	The Port Authority will accept financial figures in euros for the overall financial assessment at the RFQ stage. However, shortlisted firms will need to provide updated financial figures during the RFP stage, in dollars and in US GAAP when their final proposal is due.
6	RFQ	N/A	<p>Additional procurement phases in the AirTrain Newark Replacement Program may include, but are not limited to, the following separate contract packages:</p> <ul style="list-style-type: none"> • Early works packages • Design package • 2.5-mile elevated guideway structure and three stations including 	At this time, the PANYNJ anticipates the guideway and stations contract will be separate from the maintenance and control facility (MCF) contract as well as the pedestrian connections contract. Generally, PANYNJ anticipates procuring design services for the MCF, pedestrian

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			<p>back of house areas</p> <ul style="list-style-type: none"> • Maintenance and control facility for the system technology equipment • Pedestrian connections from stations to existing airport facilities <p>Please identify what the scope of the above-mentioned Design package will be. In addition, will the “2.5 mile elevated guideway structure and three stations including back of house areas” be procured as a Design-Build package? Will the “Maintenance and control facility for the system technology equipment” also be part of the same Design-Build package, a separate Design-Build package or a stand-alone low bid? Same question for the pedestrian connectors.</p>	connections, and demolition of the existing AirTrain. Further information will be provided with the release of the RFP.
7	RFQ	Section 1.3	<p>As Read: The delivery of the System Technology will require the System Technology Contractor to focus on the following overarching themes during the design and construction phase, and once operational, during the operations and maintenance phase:</p> <ul style="list-style-type: none"> • Delivering a service proven and dependable System Technology that is seamlessly integrated with existing and new infrastructure (e.g., Guideway structure, Stations, and MCF); • Providing a world class customer experience; • Providing technology that eases the customer’s journey by being aesthetically pleasing, comfortable, clean and easy to use; and • Achieving excellence in the System Technology Project's design, construction and operations and maintenance. <p>Question: We understand that all four of the overarching themes are important but could the Port Authority of NYNJ rate them in order of importance of 1 through 4, with 1 being the most important and 4 being important but the least of the 4.</p>	All four overarching themes are key but are not listed in order of importance or precedence.
8	RFQ	Section 1.4	<p>As Read: The System Technology Contractor will be responsible for coordinating with the Current Operator, minimizing negative impacts to the operations and maintenance of the Existing AirTrain with the same focus on safety, customer experience, and operational excellence described above until the new AirTrain is fully commissioned.</p> <p>Question: We have no issue with the requirements. Does the Port Authority have an agreement in place with the incumbent to cooperate fully with the new System Technology Contractor on the</p>	An agreement addressing cooperation is being finalized with the existing AirTrain operator. Further information and obligations of the existing AirTrain Operator will be provided in the RFP.

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			existing contract and if so can you share with us the wording on the cooperation agreement?	
9	RFQ	Section 2.2	<p>As Read: The Port Authority intends to achieve the following goals for the System Technology Project ("System Technology Project Goals"): and then lists items a through i.</p> <p>Question: We understand they are all critical and we have every intention to deliver of the Technology Project Goals. Can the Port Authority list them in the order of importance?</p>	No ranking or order of importance will be provided for the System Technology Project Goals.
10	RFQ	Section 2.3.3	<p>As Read: Item a) an initial 10-year term based on a fixed price;</p> <p>Question: The O&M scope for the base 10-year period is a firm and fixed price.</p>	Please clarify the question.
11	RFQ	Section 2.2	<p>As Read: Item b) at the Port Authority's election in its discretion, an additional two 5-year terms based on a bid fixed price which may be updated prior to the start of the additional term through a price-rebasing mechanism to be included in the System Technology O&M Service Agreement; and</p> <p>Question: Please provide details on the price-rebasing mechanism?</p>	The terms and conditions of rebase mechanics will be provided in the RFP.
12	RFQ	Section 2.2	<p>As Read: Item c) at the Port Authority's election in its discretion, an additional two 5-year terms based on pricing to be agreed by the Port Authority and the System Technology Contractor prior to the start of the additional term</p> <p>Question: Could the Port Authority please describe the mechanism on the process of agreeing on the pricing for the two 5-year additional terms?</p>	More specifics will be provided in the RFP. Generally, the PANYNJ may elect to negotiate with the Contractor based on the scope of services required for the two 5-year terms. The extension referred to at (c) would only occur if the PANYNJ and the System Technology Contractor were able to agree to the price for such extension.
13	RFQ	Section 2.3.4	<p>As Read: Through the Office of Diversity, Equity, and Inclusion, the Port Authority conducts its own certification process rather than accepting the certification of any other jurisdiction. Firms should be mindful that the Port Authority's organizational Page 13 MBE/WBE participation goals are 20% (MBE) and 10% (WBE), and the System Technology Contractor will be required to make a good-faith effort to achieve these goals. It is also Port Authority policy to encourage service-disabled veteran-owned business enterprises ("SDVOB") to participate in agency contracts. As such, the System Technology Contractor will be required to make a good-faith effort to achieve an SDVOB subcontracting goal of 3%</p>	Firms provided in the participation plan required during the RFP stage will have to be certified through the Port Authority's Office of Diversity, Equity, and Inclusion (ODEI) prior to submittal of the MBE/WBE/SDVOB/LBE Participation Plan. However, the selected Preferred Proposer will provide updated participation plans throughout the term of the Project in which they can provide updated plans with additional subcontracted parties that are certified with ODEI. There are

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			Question: Do the firms have to be certified through the Office of Diversity, Equity and Inclusion prior to submittal of the proposal or prior to Notice of Award and Notice to Proceed? Can the Port Authority provide a listing of the current firms who are certified? If firms are certified with other Agencies how long is the certification process with the Office of Diversity, Equity and Inclusion?	two lists provided on Bonfire that contain certified firms by trade and local zone for review by interested parties.
14	RFQ	Section 2.3.4	As Read: The FAA's Finding of No Significant Impact/Record of Decision related to the Project was issued by the FAA on August 13, 2021, based on a review of the environmental assessment. Question: Could the Port Authority please provide a copy of environmental assessment?	The Project's Environmental Assessment is available on the Port Authority's website: https://www.panynj.gov/port-authority/en/about/studies-and-reports/case-studies-reports.html
15	RFQ	Section 3.2	As Read: RFP Issued to Proposers (Shortlisted Respondents Only) Q1 2023. Technical & Price Proposal Due Date Q2 2023 Question: Could the Port Authority allow a 120 days for submittal of the Technical and Price Proposal from when the RFP is issued?	The official timeline of submittals for Proposals will be provided in the RFP to Shortlisted Respondents. However, the Port Authority will take this under consideration.
16	RFQ	Section 3.5	As Read: The following evaluation criteria will be included in the future RFP to assess Proposals submitted during the RFP Phase: it then lists items a through g and financial capacity. Question: In the RFP, could the Port Authority define the scoring mechanism and the allotted points for each item?	The Port Authority will take this under consideration. The official detailed criteria will be provided in the RFP provided to Shortlisted Respondents.
17	RFQ	Section 4.1	As Read: We expect to enter into the System Technology Agreements with the selected System Technology Contractor for the performance of the Work. Under the System Technology D&C Agreement, the System Technology Contractor will assume full responsibility for the design and construction (including furnishing, delivery, installation, testing and commissioning) of the System Technology. Under the System Technology O&M Service Agreement, the System Technology Contractor will be responsible for the operations and maintenance of the System Technology. Question: With submittal of the RFP, could the Port Authority please provide drafts of the contractual framework for the System Technology Agreements and System Technology O&M Services Agreement for our review and comments?	Yes. The full form of the System Technology D&C Agreement and the System Technology O&M Services Agreement will be released to the Shortlisted Respondents with the RFP.

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18	RFQ	Section 4.3	<p>As Read: The System Technology D&C Agreement will be a lump sum fixed price contract (subject to adjustments only in circumstances to be defined in the agreement) with respect to the design and construction costs for the System Technology</p> <p>Question: Will the RFP define the permissible adjustments to the lump sum fixed price? Will the RFP include incentives that can be earned for defined goals?</p>	Yes. Details of all permitted price adjustments will be included in the full form of the System Technology D&C Agreement to be released with the RFP. Details of incentives, if any, will also be included at RFP stage.
19	RFQ	Section 4.3	<p>As Read: The System Technology O&M Service Agreement will be:</p> <p>(a) fixed price for the first ten-year operating period (subject only to indexation and other limited circumstances in which payments for O&M can be adjusted);</p> <p>(b) in respect of the initial two additional 5-year terms (if exercised by the Port Authority), bid fixed price which may be updated prior to the start of the additional term through a price-rebasing mechanism to be included in the System Technology O&M Service Agreement; and</p> <p>(c) in respect of the final two 5-year terms (if exercised by the Port Authority), at pricing to be agreed by the Port Authority and the System Technology Contractor prior to the start of the additional term.</p> <p>Question:</p> <p>Item a) please define the indexation and other limited circumstances in which the payments for O&M can be adjusted?</p> <p>Item b) same question as 2.3.3 above, please define the Price-rebasing mechanism.</p> <p>Item c) same question as 2.3.3 above, please describe the mechanism on the process of agreeing on the pricing for the two 5-year additional terms?</p>	For items (a) and (b), full details of price indexation and other permitted price adjustments and price re-basing will be included in the full form of the System Technology O&M Services Agreement to be released with the RFP. For item (c), please refer to the response to RFI #12.
20	RFQ	Section 4.3	<p>As Read: O&M payments are expected to be comprised of: (1) regular monthly payments for operations and routine and corrective maintenance and (2) payments for renewal and major maintenance work against an agreed payment profile and conditional upon major maintenance work completed. Scaled payments using key performance and service availability indicators will be used and applied to the O&M payments to incentivize performance and planned maintenance.</p>	The timing and cost of renewal and major maintenance work is expected to be included as part of each Proposer's final Proposal. Details of any adjustments to O&M payments based on key performance indicators and service availability will be included with the RFP.

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			Question: Please provide a copy of payment profile and scaled payments using key performance and service availability indicators?	
21	RFQ	Section 6.2	<p>As Read: Prior to our review of the Respondent's full SOQ, we will evaluate each SOQ based on the following "Mandatory Evaluation Criteria": and then it lists 5 items.</p> <p>Question: Are these simply a confirmation that respondents comply or are acceptable?</p>	The Mandatory Evaluation criteria are pass/fail criteria. Respondents will have to meet these components as a threshold to advance to the RFP stage of the procurement, in addition to being deemed qualified by the evaluation of the comparative evaluation criteria which are scored by the evaluation committee.
22	RFQ	Section 6.4	<p>As Read: We will evaluate and rank each responsive SOQ by evaluating the SOQ against the Comparative Evaluation Criteria described in Section 6.3. For purposes of our scoring, the Comparative Evaluation Criteria are listed below, in no order of importance: and then it lists items a through g.</p> <p>Question: Please define the scoring or how the points are applied to each item. Does the scoring of the SOQ get added to scoring on the Technical & Price Proposal or do all firms who advance from the SOQ start off equal at the Technical and Price Proposal submittal?</p>	Generally the SOQ scores are not expected to be considered in the evaluation of the final Proposals. If any criteria evaluated as part of the SOQ evaluation is to also be considered in the RFP evaluation then details will be provided in the RFP.
23	RFQ	Section 7	<p>As Read: Visit and examine the Respondents' Similar Projects, and any of the other projects referenced in the SOQs, and to observe and inspect the operations at these projects;</p> <p>Question: Can believe it would benefit the Port Authority to visit the System Technology Provides facility where the APMs and Systems will be produced as well as the sites where they have service experience they will use as part of the submittal.</p>	Noted. PANYNJ will consider in the context of the RFP.
24	RFQ	Section 7	<p>As Read: Publish the names of the Respondent, Key Members, Key Personnel and other Respondent Team member or key advisors;</p> <p>Question: We would like to request that Key Personnel remain confidential and not be released to all bidders.</p>	The Port Authority will publish the shortlisted Respondent firm names on the Port Authority website. However, we do not anticipate publishing the names of key personnel but may wish to disclose to third parties in the context of reference checks and the extent to which the Port Authority is permitted to keep details relating to Key Personnel confidential will be determined by applicable FOI laws.

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25	RFQ	Fact Sheet	<p>The fact sheet refers to “2 to 4 minute headway Peak service” and to “2,000 to 2,800 passengers per hour per direction”. Can the Port Authority clarify the specification of a range? Our understanding from Section 2.3 of Appendix D is that the System Technology should be designed from the start to meet an operational headway of 120 seconds (2 minutes). Can the Port Authority confirm whether the performance requirements are to deliver a system that can meet a 2-minute headway and 2,800 passengers per hour per direction?</p>	<p>The System Technology shall be capable of meeting both the initial (2,000 PPHPD) and Future (2,800 PPHPD) line capacities with operating headways no less than 120 seconds and no greater than 240 seconds. The line capacity requirements are identified in Appendix D, Section 2.3.1(e), Line Capacity, for both the initial and future system line capacity. The future phases to be accommodated are described in Appendix D, Section 1.2, AirTrain Phases. The requirements for accommodations of anticipated future phases and increased line capacity are identified in Appendix D, Section 2.2, System Technology Requirements for Additional Air Train Phases.</p>
26	RFQ	Section 2.1	<p>Section 2.1 states that “the Fixed Facilities requests for proposals are not expected to be released until the Port Authority has selected the System Technology Contractor and therefore the System Technology that it intends to use”, that “the System Technology Contractor will be required to provide interface specifications that will be incorporated into the relevant Fixed Facilities technical requirements” and that “this early submittal will be evaluated by the Port Authority during the RFP Phase”.</p> <p>1. Can the Port Authority confirm a timeline of the procurement sequence?</p> <p>2. Can the Port Authority clarify the criteria against which the interface specifications will be evaluated?</p>	<p>No further details will be provided prior to the issuance of the RFP.</p>
27	RFQ	Section 5.10	<p>Section 5.10 (a) requires the Respondent Team to include a Lead System Designer Firm. The Port Authority clarified in the same section that “it is expected that the scope of the Lead System Designer Firm may not include responsibility for the design of the Vehicles, automatic train control, supervisory control and data acquisition systems”.</p> <p>The Port Authority also clarified in this section that “the Lead System Designer Firm is expected to be a subcontractor to the System Technology D&C Contractor”.</p>	<p>1) Confirmed</p> <p>2) The current drafting does not preclude the Lead System Design Firm from being a subcontractor to the System Technology D&C Contractor. No changes will be made.</p>

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			<p>We interpret these sections to mean that the System Technology D&C Contractor would have overall design leadership for the System Technology Project and that the Lead Systems Designer Firm's scope would be limited to only a portion of the design of the Systems Technology.</p> <p>In the circumstances, we would propose that the Lead Systems Designer Firm may be more appropriately named the "Systems Design Subcontractor" to avoid any misperception that this Key Member has overall responsibility for design of the Systems Technology.</p> <p>Please therefore clarify:</p> <ol style="list-style-type: none"> 1. Our understanding that the Port Authority expects the System Technology D&C Contractor to have overall leadership of the design of the System Technology Project. 2. Whether the Port Authority would consider renaming the Lead Systems Designer Firm, the "Systems Design Subcontractor" to recognize the fact that this Key Member will be a subcontractor to the System Technology D&C Firm with responsibility for design of part of the System Technology Project, not the entirety of the System Design Project, and to avoid any misunderstanding as to the role of this Key Member. 	
28	RFQ	Appendix A	<p>It is understood that the System Technology will be integrated with the Fixed Facilities provided by other contractors. It is clear in Appendix A that the Port Authority will be responsible for the risk of interfaces with Other Package Contractors delivering the Fixed Facilities.</p> <ol style="list-style-type: none"> 1. As Section 2.3.1 of the RFQ states that "the System Technology Contractor will be responsible for coordinating and interfacing with the work provided by others in accordance [...] with interface provisions to be included in the System Technology Agreements", can the Port Authority share more about these interface provisions to manage these contractual obligations? 2. Can the Port Authority clarify the boundaries of the Contractor's responsibility in Section 2.11 of Appendix D, with regards to the requirement for the Contractor to ensure that "all Guideway Structure and System Technology design elements are properly interfaced and coordinated", considering the risk allocation of Appendix A? 	1) & 2) Further detail will be provided in RFP. PANYNJ's approach to risk allocation is set out in Appendix A of the RFQ.

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29	RFQ	Appendix B, Form A	Our understanding of Section 5.10 of the RFQ is that the Port Authority expects some Key Members to be subcontractors to the System Technology D&C Contractor. However, Form A only includes two columns to choose from: "Prime" and "JV Partner". Can the Port Authority please revise the template of Form A to allow Key Members to be checked as "Subcontractor"?	PANYNJ will provide an updated Form A.
30	RFQ	Appendix B, Part A, Section 2.1	As part of the Financial Strength, Section 2.1 of Part A of Appendix B requires annual audited financial reports for the Respondent. In case the Respondent or a Key Member is a subsidiary of a group, could the Port Authority accept unaudited financial statements (in USD and US GAAP)?	The Port Authority will accept unaudited 2022 financial statements, but financial statements of 2021 and 2020 must be audited. Unaudited financials for 2022 must be accompanied by a letter signed by a senior company officer that attests to the accuracy of the financials provided.
31	RFQ	Appendix B, Part A, Section 2.1	As part of the Financial Strength, Section 2.1 of Part A of Appendix B requires annual audited financial reports for the Project Guarantor for each of the past three years. Considering the due date of the SOQ, we may not be able to finalize the certification of the English translation and the numeric conversion of amounts into U.S. dollars for the last year. Would the Port Authority accept the submission of the annual audited financial reports of the three previous years to meet this requirement?	The Port Authority will accept unaudited 2022 financial statements, but financial statements of 2021 and 2020 must be audited. Unaudited financials for 2022 must be accompanied by a letter signed by a senior company officer that attests to the accuracy of the financials provided.
32	RFQ	Appendix B, Part A, Section 2.2	Our understanding of Section 2.2 of Part A of Appendix B is that the SOQ should include a dedicated narrative if the Respondent is a subsidiary of a parent company, to state when the subsidiary was formed and its place in the corporate structure. There is however no space allowing for a narrative between Sections 2.2 and 2.3 of Part A. Can the Port Authority please revise the SOQ Template to provide the narrative required in Section 2.2 of Part A?	Respondents should include this narrative (if applicable) in its response to Section 1 of Part A of the SOQ. We will amend Section 2.2. to clarify this.